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ELECTION COMMISSION MINUTES

June 25, 2012

The Norman Election Commission of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Conference Room at 201 West Gray on the 25th day of June, 2012, at 2:00 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

Item 1. Roll Call. City Clerk Hall called the roll.

MEMBERS PRESENT:

Robin Allen
Nina Flannery
Elizabeth Windes
Richard Hilbert
Chairman Ty Hardiman

MEMBERS ABSENT:

None

STAFF PRESENT:

Kristina Bell, Assistant City Attorney
Jeff Bryant, City Attorney
Brenda Hall, City Clerk

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Item 2. Approval of minutes from the June 18, 2012, meeting. Member Hilbert moved that the minutes from the June 18, 2012, meeting be approved, which motion was duly seconded by Member Windes; and the question being upon approving the minutes from the June 18, 2012, meeting, a vote was taken with the following result:

YEAS:

Members Allen, Flannery, Hilbert, Windes, Chairman Hardiman

NAYES:

None

The Chairman Hardiman declared the motion carried and the minutes from the June 18, 2012, meeting were approved.



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ance of Candidates' Campaign Contributions and Expenditure Reports.

Friends of Jackie Farley (Jackie Farley)

Member Hilbert moved that the City campaign contribution and expenditure report for Friends of Jackie Farley be accepted, which motion was duly seconded by Member Flannery;

Items submitted for the record

- 1. City Campaign Contributions and Expenditures Report filed June 21, 2012

and the question being upon accepting the City campaign contribution and expenditure report for Friends of Jackie Farley, a vote was taken with the following result:

YEAS: Members Allen, Flannery, Hilbert, Windes, Chairman Hardiman

NAYES: None

The Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Friends of Jackie Farley was accepted.

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Williams for Ward 8 (Chad Williams)

Member Hilbert moved that the City campaign contribution and expenditure report for Williams for Ward 8 be accepted, which motion was duly seconded by Member Windes;

Items submitted for the record

- 1. City Campaign Contributions and Expenditures Report filed June 22, 2012

and the question being upon accepting the City campaign contribution and expenditure report for Williams for Ward 8, a vote was taken with the following result:

YEAS: Members Allen, Flannery, Hilbert, Windes, Chairman Hardiman

NAYES: None

The Chairman Hardiman declared the motion carried and the City campaign contribution and expenditure report for Williams for Ward 8 was accepted.

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ishing public finance for City Council candidates.

Chairman Hardiman said in the Joint City Council Oversight Committee (CCOC) and Norman Election Commission (NEC) meeting on May 2, 2012, Councilmember Kovach asked the NEC to review the concept of establishing public finance for City Council candidates and forward information and recommendations to City Council.

In the NEC meeting of June 18, 2012, Chairman Haridman said reports submitted to Council should consist of several components and he would like ideas from NEC members on the structure of an outline for a report. He felt the outline should begin with a summary defining what is being discussed and read his draft summary, which states that the monetary expense of candidacy for political office appears to be an inescapable component of elections in the United States. This has led to candidates and constituents in some voting districts to explore alternative methods of financing elections, which supplement or replace existing methods. Some of the reform goals would include achieving increased participation from qualified candidates; curbing the influence of money on elections and election outcomes; curbing the influence of money on policy making by elected officials; and increasing the voice of the electorate by diminishing the voice of money. This process has pros and cons, which merit discussion and debate in the public forum. Furthermore, legal questions and court decisions in districts throughout the country would influence the adoption and implementation of any reform.

Member Allen said Chairman Hardiman had stated in the last meeting that money appears to win an election in Norman, but she felt that was not true. Chairman Hardiman said he was misquoted and what he said is, "it appears that it requires money to run for election in Norman." He said it is not that money wins an election, but the fact is that money is required to conduct a campaign. Member Allen said she was not sure public finance would be a good use of public money because that could bring up philosophies and other issues. Ms. Brenda Hall, City Clerk, said the Clean Election Act that is sweeping across the nation where public money used is not necessarily taxpayer money, but a fund supported by private contributions into a pot that candidates could utilize. She said some communities use dedicated sales tax or money from their General Fund. Chairman Hardiman said one of the topics in the report will be the source of funding.

Member Allen said she would be pleased to meet with Councilmember Kovach because she wants to know what specific information he is wanting because this topic is huge. Chairman Hardiman said he would also be interested to know what Councilmember Kovach wanted, but felt this to be an opportunity for the NEC to provide initial information to help Council decide if this is the direction they want to go.

Chairman Hardiman said candidate qualifications need to be considered because the question is not whether or not anyone can run for office, it is whether anyone who runs for office could qualify for campaign financing by demonstrating the potential to actually carry votes or be able to serve.



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Chairman Hardiman said one component of the report outline would be to review previous implementations in other municipalities and states. He said it would be hard to have a report that discusses the concept of public financing without looking at how it has been implemented in other areas.

Chairman Hardiman said Member Hilbert had provided a copy of a House Bill that had been introduced to the legislature summarizing perceived benefits and justifications of public finance. He said perceived advantages and disadvantages of public finance should be listed in the report. He said the report could be provided as part of the NEC's final report to Council on September 11, 2012.

Member Flannery suggested a report based on methods of funding only and Ms. Hall said the mission from Councilmember Kovach was really broad. She said cities that have enacted ordinances vary on the way they enact public funding and there is case law on some of those.

Ms. Joy Hampton, Norman Transcript, asked if the current system is broken and that is why Council is wanting to fix it. She said in the last election there were a lot of candidates and a lot of money was raised and spent. Ms. Hall said Staff could provide a history of elections including how many candidates were in each election, their total financing, and the winners. Chairman Hardiman said the cost of a successful campaign in Norman, whether won or lost, appears to be in the \$10,000 range. Mr. Jeff Bryant, City Attorney, said there is such a huge amount of information on public financing and it would help Staff to have a main focus to research. Chairman Hardiman asked members to list what they would like to have addressed in the report. Member Flannery said she would like information on municipalities that provide public financing. Member Windes said her main consideration is how public financing would be funded. Member Allen was concerned about the scope of the report, the funding source, perceived benefits, what is NEC trying to fix, and legal issues.

Ms. Hall said Councilmember Kovach had commented that he felt there are sometimes qualified candidates that for whatever reason may not have the means to finance a campaign to get their platform out there and public financing could provide the ability to do so.

Member Hilbert said the NEC should start with what Councilmember Kovach has asked them to do and if he could write that out that would be helpful. What does he want and why. He said the NEC should then answer that question to the best of their abilities. He said reasons to support public financing are available and do not have to be made up. He did not believe the NEC needed to do a lot of work because information is available if they choose to use it. He said the NEC should provide generalized answers in the initial report and if Council thinks it is important to move forward, the NEC could provide additional study. Member Allen said she would contact Councilmember Kovach and Chairman Hardiman said he would like to be a part of that discussion. Member Hilbert suggested asking Councilmember Kovach if he imagined there is support within the Council for public financing. Chairman Hardiman felt Council's interest would depend on the funding mechanism. Member Hilbert said there is public funding available in other States where tax dollars are not used.

Items submitted for the record

1. House Bill as introduced regarding public funding
2. Clean Elections: How it works
3. E-mail dated June 19, 2012, from Brenda Hall to Dr. Richard Hilbert; Elizabeth Windes; Nina Flannery; Robin Allen; Ty Hardiman; and Kristina Bell
4. Against the odds: Morrisette pushes for taxpayer financing of election campaigns

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Item 5. Miscellaneous Discussion.

Ms. Hall provided literature circulated in the Ward 8 race by the Cleveland County GOPPAC that clearly advocates a candidate. She said she spoke with them and they were in the transition of changing chair persons and were remiss in filing a report. She said she e-mailed the documents they needed and they will be filing a report since they exceeded the \$500 minimum threshold. She said the second piece of literature was paid for by the Ethical Treatment of Taxpayers and she was trying to determine who circulated it and if they crossed the threshold. She said the literature was tri-folded and mailed in Oklahoma City using postage stamps making it virtually impossible to trace. She said there was a letter from Chad Williams campaign stating he did not know anything about nor was he involved with either piece of literature. She said Mr. John Woods filed a complaint regarding the People for the Ethical Treatment of Taxpayers not filing a report on a group mailing.

Ms. Hall said questions had been raised about the legality of the content of the mailer from the GOPPCA being partisan when Norman Council candidate elections are non-partisan. Mr. Chad Williams, Ward 8, candidate reiterated that he was not involved with the campaign literature and was saddened and disheartened that a group felt the need to jump into a race that was going well between candidates. Chairman Hardiman said he wanted to understand and be clear that Mr. Williams campaign did not prepare or pay for either piece of literature and his campaign representatives did not coordinate with any party and Mr. Williams said that was correct. Chairman Hardiman said Ms. Hall is working on getting reports filed for NEC review.

Chairman Hardiman asked Mr. Bryant to address campaign literature content. Mr. Bryant said Staff would do more research, but there is no provision in Chapter 7.5, Elections, that states a race is non-partisan or that a candidate cannot designate a particular political party. He said the Charter is very clear that races are supposed to be non-partisan so the question is can the City enforce that Charter provision through Chapter 7.5 or does it need to be enforced in another way and that is what needs to be researched. Chairman Hardiman said he would like to know if the Charter or State law, in their indication that all candidates run non-partisan, mean that third parties are prohibited from declaring party information about a candidate and does that make them more or less accountable in the issues of identifying a political party compared to the candidate themselves. Mr. Bryant said the Charter language states in Article II, Section 11, that



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partisan designation is forbidden and no nominating notice or acceptance thereof shall have opponent any party emblem, sign, or designation and there shall be nothing thereon to indicate the affiliation of the nominee or of any signer with any political party or any organization. Ms. Hall said that is why the Declaration of Candidacy candidates fill out at the Cleveland County Election Board does not denote party affiliation. Chairman Hardiman said the State addresses the issue of non-partisan municipal races in State statute and asked if the State identifies this as well and Mr. Bryant said the statutes state that elections shall be non-partisan and all candidates shall file as independent candidates unless prior to the date of notifying the County Election Board of the call for the election the municipality has in effect an ordinance providing for a partisan primary election. He said without the Charter provision, the City could have partisan elections under State statutes.

Items submitted for the record

1. Campaign literature for Chad Williams paid for by the Cleveland County GOPPAC
2. Campaign literature entitled, "Sex, Lies and Wish We Had A Videotape (í an interesting synopsis of the Ward 8 City Council race)," paid for by the Ethical Treatment of Taxpayers
3. Letter dated June 25, 2012, from Chad Williams, Williams for Ward 8, to the City of Norman Election Commission
4. City of Norman, Norman Election Commission Complaint Form filed by John Woods dated June 23, 2012

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Item 6. Adjournment.

Member Hilbert moved that the meeting be adjourned, which motion was duly seconded by Member Windes; and the question being upon adjourning the meeting, a vote was taken with the following result:

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| YEAS: | Members Allen, Flannery, Hilbert, Windes, Chairman Hardiman |
| NAYES: | None |

Chairman Hardiman declared the meeting be adjourned at 3:26 p.m.